



DUANE MORRIS LLP
ONE MARKET, SPEAR TOWER, SUITE 2000
SAN FRANCISCO, CA 94105-1104
PHONE: 415.371.2200
FAX: 415.371.2201

RECEIVED
CENTRAL FAX CENTER

DEC 17 2004

FACSIMILE TRANSMITTAL SHEET

TO: Examiner Charles A. Marmor, II

FIRM/COMPANY: U.S. Patent and Trademark Office /
Mail Stop Amendment

FACSIMILE NUMBER: 703.872.9306

CONFIRMATION TELEPHONE: 703.308.0858 (receptionist) or
703.305.3521 (C.A. Marmor)

FROM: Anne Marie Leavy for Edward J. Lynch

DIRECT DIAL: 415.371.2217

DATE: December 17, 2004

USER NUMBER: 5121

FILE NUMBER: Docket No. R0367-00302 - **Corrected Response**

**TOTAL # OF PAGES:
(INCLUDING COVERSHEET)** 17

MESSAGE: Attached is a *Supplemental Amendment and Response to the Office Action mailed 6/15/2004 and Terminal Disclaimer in response to the Communication mailed 11/22/2004* regarding patent application Serial No. 10/650,027, filed August 27, 2003.

Please confirm receipt of this facsimile.

NOTE: Original will NOT follow

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE.

If there is a problem with this transmission, please call us as soon as possible at 415.371.2200.

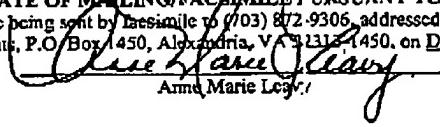
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*) Examiner: C. A. Marmor, II
 For: ELECTROSURGICAL BIOPSY DEVICE) Group Art Unit: 3736
 AND METHOD)
 Serial No.: 10/650,027)
 Filed: August 27, 2003)
 Atty. Docket No.: R0367-00302) TRANSMITTAL

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 872-9306, addressed to Examiner C.A. Marmor, II, at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2004, in San Francisco, CA.



Arme Marie Levy

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is a Supplemental Amendment and Response to Office Action Mailed 06/15/2004 and Terminal Disclaimer by Attorney.

2. Claim Fee Calculation

- No additional claim fee is required.
 Amendment increases number of claims or multiple dependencies.

Additional Claim Fee Calculation

| DESCRIPTION | Fee Code | Claims | Amount | Rate | Line Total |
|--------------------|----------|-----------|--------|--------|------------|
| Independent Claims | 2201 | 5 - 5 = | 0 x | \$100= | \$0- |
| Total Claims | 2202 | 33 - 33 = | 0 x | \$25= | \$0- |

Fees Due \$ -0-

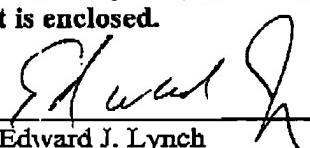
3. Additional fees: Terminal Disclaimer fee under 37 CFR 1.20(d) \$55

Total Fees Due \$55

4. Payment of Fees

- Enclosed is a check for the total fees due in the amount of _____.
 The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302.
 A duplicate copy of this document is enclosed.

By:



Edward J. Lynch
 Registration No. 24,422

Duane Morris LLP
 One Market
 Spear Tower, Suite 2000
 San Francisco, CA 94105
 Direct Dial: (415) 371-2267
 Facsimile: (415) 371-2201
 SF63074.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*

Examiner: C. A. Marmor, II

For: ELECTROSURGICAL BIOPSY DEVICE
AND METHOD

Group Art Unit: 3736

Serial No.: 10/650,027

Filed: August 27, 2003

TRANSMITTAL

Atty. Docket No.: R0367-00302

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 305-9306, addressed to Examiner C.A. Marmor, II, at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2004, in San Francisco, CA.

Anne Marie Leahy
Anne Marie Leahy

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is a Amendment and Response to Office Action Mailed 06/15/2004 and Terminal Disclaimer by Attorney.

2. Claim Fee Calculation

 No additional claim fee is required. Amendment increases number of claims or multiple dependencies.

Additional Claim Fee Calculation

| Description | Fee Type | Claims | Excess | Fee Type | Fee |
|--------------------|----------|-----------|--------|----------|-------|
| Independent Claims | 2201 | 5 - 5 = | 0 x | \$100= | \$-0- |
| Total Claims | 2202 | 33 - 33 = | 0 x | \$25= | \$-0- |

Fees Due \$ -0-

3. Additional fees: Terminal Disclaimer fee under 37 CFR 1.20(d) \$55

Total Fees Due \$55

4. Payment of Fees

Enclosed is a check for the total fees due in the amount of _____.

The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302.
A duplicate copy of this document is enclosed.

By: *Edward J. Lynch*Edward J. Lynch
Registration No. 24,422

Duane Morris LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105
Direct Dial: (415) 371-2267
Facsimile: (415) 371-2201
SF63074.1

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of
Burbank et al.

For: **ELECTROSURGICAL BIOPSY DEVICE
AND METHOD**

Serial No.: 10/650,027

Filed: August 27, 2003

Atty. Docket No.: R0367-00302

) Examiner: C. A. Marmor, II
) Group Art Unit: 3736

)
)
)
)
**SUPPLEMENTAL AMENDMENT
AND RESPONSE
TO OFFICE ACTION MAILED
06/15/2004**

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by facsimile to (703) 872-9306, addressed to Examiner C. A. Marmor, II, at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2004, in San Francisco, CA.

Anne Marie Leavy
Anne Marie Leavy

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Communication mailed on November 22, 2004 and in further response to the Office Action mailed June 15, 2004, the applicants hereby resubmit the entire Amendment to the claims section of the non-compliant amendment filed on September 14, 2004. The claim amendments have been corrected to include permissible status identifiers.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.